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In re Application of  
Toyoshi Kawada, et al.  
Application No. 09/468,639  
Filed: December 12, 1999  
For: PLASMA DISPLAY PANEL DEVICE

DECISION ON PETITION  
TO WITHDRAW HOLDING OF  
ABANDONMENT

This is a decision on the "Response to Notice of Abandonment Mailed June 14, 2004" filed July 7, 2004, which is being treated as a Petition to Withdraw Holding of Abandonment pursuant to 37 CFR §1.181(a). No fee is required.

The petition is **DENIED**.

This application was held abandoned for failure to timely submit a response to the non-final Office action mailed November 18, 2003. A Notice of Abandonment was mailed June 14, 2004.

Petitioner has alleged non-receipt of the Letter. In the petition, the petitioner has provided a statement that the Office communication was not received by the petitioner and a copy of the docket record where the non-received Office action would have been entered had it been received and docketed.

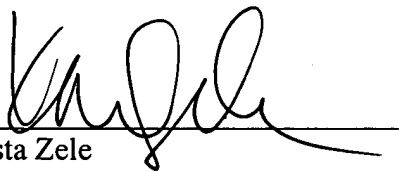
Pursuant to MPEP § 711.03(c) [See also Notice entitled *Withdrawing the Holding of Abandonment When Office Actions Are Not received*, 1156 O.G. 53 (November 16, 1993)], in absence of any irregularity in the mailing of an Office Action, there is a strong presumption that the Office action was properly mailed to practitioner at the address of record. This presumption may be overcome by a showing that the Office action was not in fact received. The showing required to establish the failure to receive an Office communication must include:

- (a) a statement from the practitioner stating that the Office communication was not received by the practitioner;
- (b) a statement attesting to the fact that a search of the file jacket and docket records indicates that the Office communication was not received; and,
- (c) a copy of the docket record where the non-received Office communication would have been entered had it been received and docketed must be attached to and referenced in practitioner's statement.

The showing outlined above may not be sufficient if there are circumstances that point to a conclusion that the Office communication may have been lost after receipt rather than a conclusion that the Office communication was lost in the mail.

In accordance with requirements (a) and (c) above, Petitioner states that the Office action was not received and also references a docket history record provided with their petition. However, the petition does not comply with requirement (b) set forth above, inasmuch as the petition lacks a personal statement from the Practitioner attesting to a search of the file jacket and docket records indicating that the Office communication was not received.

Any request for reconsideration must be filed within **TWO MONTHS** of the date of this decision and include the necessary statement from the Practitioner as outlined above. The file is being forwarded to the file repository.

A handwritten signature in black ink, appearing to read 'Krista Zele', written over a horizontal line.

Krista Zele  
Special Program Examiner  
Technology Center 2600  
Communications